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Appl. No. 10/522,851
Amendment & Response dated July 17, 2006
Response to Office Action of May 25, 2006

REMARKS/ARGUMENTS

Per the June 26, 2006 conference with the Examiner, Applicant responds as follows:

I. Rejection of Claims 1-25 and 27 as Anticipated by Bennett US/2003/0128867 A1

Contrary to the Examiner's statement, Bennett does not disclose the claimed invention.

For example, paragraph 1 of Claim 1 is missing entirely. Bennett [0053]-[0054] merely suggests to "measure at least one trait of an internal physiological process" such as a heartbeat waveform. There is no suggestion of "producing and storing a first biometric signature that identifies a specific individual by forming the difference between a representation of the heartbeat pattern of the specific individual and a stored representation of common features of heartbeat patterns of a plurality of individuals."

Likewise, Bennett [0086]-[0088] does not describe or suggest the second and third paragraphs of Claim 1.

after the producing step, obtaining a representation of the heartbeat pattern of a selected individual and producing a second biometric signature by forming the difference between the heartbeat pattern of the selected individual and the stored representation of the common features of the heartbeat patterns of the plurality of individuals [0086-0088]; and

comparing the second biometric signature with the first biometric signature to determine whether the selected individual is the specific individual [0086-0088].

Rather, it suggests tracking variances in an "authorized user's" "authenticating waveform" over time and determining whether a received signal is statistically identical to an authorized user's authenticating signal. As a result, since the elements of Claim 1 are missing from Bennett, dependent Claims 2-14 are likewise allowable. The same is true for Claim 15, which is Claim 1 written in "means for" language, and dependent claims 16-25 and 27.

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II. Rejection of Claim 26 as Obvious Over Bennett in View of Kohut

Since Bennett and Kohut do not disclose the elements of independent Claims 1 or 15, as described above, dependent Claim 26 is similarly allowable.

III. Rejection of Claim 28 as Obvious Over Bennett In View of Steuer

Since Bennett and Steuer do not disclose the elements of independent Claims 1 or 15, as described above, dependent Claim 28 is likewise allowable.

IV. Double-Patenting Rejection

To facilitate prompt allowance, Applicant authorizes the Examiner to cancel Claims 1-28 in co-pending Application No. 10/984,200

V. Conclusion

The Applicant respectfully submits that all claims are in position for allowance and requests the Examiner to so declare. Applicant offers for the Examiner to contact the undersigned if helpful to examination of the case.

Respectfully submitted,

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Dated: July 17, 2006

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